HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6148 of 2002

Dated 3rd October, 2007

Between
Jagdish Hurkat

…Petitioner

and

The APTRANSCO, rep. By its Chairman,
Vidyutsoudha, Hyderabad, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6148 of 2002

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus, to declare the action of the respondents in launching prosecution against him as illegal and arbitrary and consequential direction to the respondents to withdraw the complaint lodged against him in Crime No. 211/2000 under Sections 39 and 44 of the Indian Electricity Act, 1910.

The third respondent herein lodged a complaint against the petitioner for the offence under Sections 39 and 44 of the Indian Electricity Act, 1910, stating that he had inspected the premises, namely, M/s.Ganesh Industries, situate at Door No. 19-1-914/14 and 15, Hussainialam, Hyderabad, and service connection bearing NO.M2-5137/III on 15-9-2000 and found pilferage of energy.

It is the case of the petitioner that he is not concerned with the service connection bearing No.M2-5137/III. If that be the case, it is open for the petitioner to file a petition to discharge him from the said proceedings and this Court cannot declare launching of the prosecution as illegal, in this petition filed under Article 226 of the Constitution of India.

Keeping open to the petitioner to avail any other remedy open under law, the Writ Petition is dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 3-10-2007.
Msnr.